REMARKS

After entry of the amendments, Claims 1-4, 7, 13-18, and 22--32, and 34-42 are pending. Claims 1, 32, 34, 38 and 39 have been amended. Claims 5, 6, 8-12, 19-21, and 33 have been canceled.

No new matter has been added as a result of these amendments.

Claim Rejection under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 34 and 38-39 under 35 U.S.C. §112, second paragraph, for being indefinite. Applicant respectfully traverses the rejection as it applies to amended Claim 34.

Claims 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite because Claim 34 depends from cancelled claim 33. Claim 34 has been amended to depend from Claim 32. Withdrawal of this rejection is respectfully requested.

Claims 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite because Claims 38 and 39 both fail to state whether the "one binding site" and the "binding sites", respectively, refer to the "first" or to the "second binding site" of base claim 32. Claim 38 has been amended to recite "...more than one second binding site...". Claim 39 has been amended to depend from claim 38 and to recite "...the more than one second binding sites...". Withdrawal of this rejection is respectfully requested.

Claim Rejection under 35 U.S.C. §112, first paragraph

The Examiner has rejected Claim 37 under 35 U.S.C. §112, first paragraph, for lacking written description. Applicant respectfully traverses the rejection.

Claim 37 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that since the term "drug" is not in the present specification, it is new matter to include it in the present claims. The Examiner notes that this term is recited in the parent application PCT/US00/35179, but he asserts that the instant disclosure fails to incorporate this application by reference, and therefore Applicant has relinquished basis for using this term in the claims.

The Applicant would like to draw the Examiner's attention to the specification at page 33, line 11 where it states:

> "All publications and patents mentioned herein are incorporated herein by reference for the purpose of describing and disclosing, for example, the constructs and methodologies that are described in the publications, which might be used in connection with the presently described invention."

The language at page 33, line 11 of the specification unambiguously indicates that the relevant disclosure of the related applications is in fact incorporated by reference. Applicant has not relinquished any basis to use the term "drug" in claim 37. Since the Examiner is of the impression that the section entitled "Cross Reference to Related Applications" on page 1 of the specification is unclear in incorporating the disclosure of these related applications, the Applicant has amended the specification using the paragraph at page 33, line 11 as the basis to clarify this point. Withdrawal of this rejection is respectfully requested.

Claim Rejection under 35 U.S.C. §102/103

Claims 32, 35, 37, 39 and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mullis (WO 01/45734, cited on PTO-892). The Examiner indicates that since the definition of the term "a pre-existing immune response component" was broadened in the CIP application to include innate immune response which was not recited in the parent priority document, then these claims are not entitled to the benefit of the priority claim. As such, the Examiner indicates that Applicant's own application is considered prior art.

The Examiner indicates that amending claim 32 to recite that the pre-existing immune response component is limited to either "a B-cell/humoral or a T-cell/cellular immune response component" will overcome this rejection since this term is supported by the priority document. Applicants would like to thank the Examiner for his helpful suggestions regarding claim language. Claim 32 has been amended to reflect this feature, and Applicant respectfully requests withdrawal of this rejection.

Double Patenting

The Examiner has provisionally rejected Claims 32, 35, 27 and 41-42 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 8-13 of co-pending U.S. Patent Application No. 11/606,564 (hereinafter '564). Applicant requests deferral of this rejection until such time that common subject matter is found allowable in both applications, and then will file an appropriate terminal disclaimer if needed.

Request for Claim Rejoinder

Applicant respectfully requests rejoinder of claims 1-4, 7, 13-18 and 22-31 directed to methods of using the composition of claim 32. In the event that composition claims are found allowable, Applicant respectfully requests that methods of using the allowed composition be rejoined since presumably they would be free of any prior art as well.

CONCLUSION

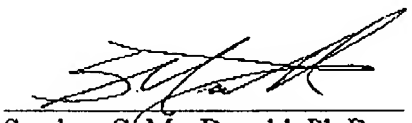
Applicant submits the foregoing as a full and complete response to the Office Action mailed on December 12, 2008. Applicant respectfully submits that the present application is in condition for allowance. Such action is hereby courteously solicited.

If the Examiner believes there are other issues that may be resolved by telephone interview, or that there are any informalities remaining in the application that may be corrected by Examiner's Amendment, a telephone call to the undersigned is respectfully requested.

No additional fees are believed to be due in connection with this response. However, should the Commissioner determine otherwise, the Applicant hereby authorizes the Commissioner to charge such fees and credit any overpayment to Deposit Account No. 11-0980.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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